

REMARKS

The required new drawings will be submitted as soon as their preparation is completed.

Reconsideration is respectfully requested, for the rejection of the claims as anticipated by or unpatentable over MIYATA U.S. Patent No. 6,052,347, alone or in view of ITO et al. U.S. Publication No. 2003/0137909.

Claim 7 is amended herewith so as to incorporate the features "a correcting device for correcting the control information generated by said control information generating device, on the basis of a result of running OPC (Optimum Power Calibration)" and "a second recording device for recording the control information generated by said control information generating device and the control information corrected by said correcting device".

Claim 15 has been amended so as to incorporate the features "a correcting process of correcting the control information generated in said control information generating process, on the basis of a result of running OPC (Optimum Power Calibration)" and "a second recording process of recording the control information generated in said control information generating process and the control information corrected in said correcting process".

Claim 21 has been amended so as to incorporate the feature a "correcting device".

These amendments are based on the description "the calibration curve may be corrected on the basis of a result of the calibration performed by the running OPC" in [0195] of the original specification. For this reason, it is clear that these amendments do not exceed the disclosure of the present application.

The cited references MIYATA et al. does not disclose the novel feature of claim 1 "a recording control area to record therein control information for controlling a laser power in accordance with a recording position in said recording area". MIYATA et al. merely disclose "the steps of: writing two optimum power control (OPC) areas with varying recording powers in a constant angular velocity zone of the disk; determining an optimum recording power for each of the two OPC areas; and determining a recording power distribution proportional to both linear velocity and a ratio of the radii of said two optimum power control areas for the constant angular velocity zone of the disk by analyzing the optimum recording power which was determined for the two OPC areas".

It is pointed out that "since the OPC is generally performed in a predetermined area of the optical disc, there is such a technical problem that the optimum laser power is not always obtained on the entire surface of the optical disc" in the description of the present application. Moreover, it is also pointed out "in the information recording medium, since the

recording sensitivity (or recording characteristic) varies depending on the recording position, due to a production condition thereof or the like, the laser power obtained by the OPC is not always optimum in an arbitrary recording position". In order to solve such a technical problem, the information recording medium of the present invention comprises a recording control area to record therein control information for controlling laser power in accordance with a recording position in said recording area. Since the "control information" of the present invention may be information which directly indicates a "relationship between the recording position and the laser power", by using such control information, it is possible to record the record information with a more preferable laser power.

However, MIYATA et al. do not disclose such a novel feature. For this reason, the rejection based on 35 USC 102 with respect to claim 1 should be withdrawn.

Since the same argument respecting claim 1 can be applied to independent claim 7 which comprises a device for generating such a control information, the rejection based on 35 USC 102 with respect to claim 7 should be withdrawn.

Furthermore, since the same argument respecting claims 1 and 7 can be applied to the dependent claims, the rejection based on 35 USC 102 with respect to claims 2-6, 8-11 and 14-23 should be withdrawn.

As it is explained above, the present invention is not disclosed in the MIYATA et al. Therefore, the rejection based on 35 USC 103(a) with respect to claims 12 and 13, which are dependent on claim 7, should also be withdrawn.

As the claims as originally presented or as now amended clearly bring out these distinctions with ample particularity, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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